

REMARKS

I. Status of Claims

Claims 33 and 53-86 are pending; all claims have been rejected. Claims 33, 53-59, 61-70, and 72-86 are canceled herein in order to expedite prosecution. They are canceled without prejudice to claiming the invention(s) disclosed therein in a continuing application.

Claims 60 and 71 are also canceled and are replaced with claims 87 and 102, respectively. In particular, claim 87 corresponds to claim 60 but is re-written in independent form, and also is not limited to soluble SPCs. Likewise, claim 102 corresponds to claim 71 but is re-written in independent form, and also is not limited to soluble SPCs. Thus, claims 87 and 102 do not narrow or surrender any of the subject matter of claims 60 and 71 as originally filed. The remaining new claims are dependent from either claim 87 or claim 102. All of the new claims find support in the specification as filed, so that no new matter has been added by this amendment.

II. Information Disclosure Statement

It has been brought to the attention of Applicants by the Examiner (for which counsel thanks the Examiner) that the non-US references listed on pages 1-6 of the IDS filed on July 31, 2002, are missing in file wrapper of the parent application Serial No. 09/172,921 (where they were first filed). Therefore, copies of these references are forwarded with this Amendment and Response. It is requested that the Examiner review the documents and make them of record in this application.

It is believed that no fees are due for the reference copies, as the IDS was correctly filed under 1.97(b). The fact that the references were missing from the PTO file of the parent application is due to any actions of the PTO, since they were received by the PTO in the parent application.

III. Claim Rejections under 35 USC §112

A. Claims 33 and 53-86 stand rejected under the first paragraph of section 112 as failing to comply with the written description requirement. Specifically, the O.A. states that the present application fails to describe sufficient examples of soluble SPCs within the scope of the presently claimed invention.

Response:

In view of the amendments herein, this ground for rejection is respectfully traversed. The present claims are limited to SPCs comprising monomers having head groups that are sugars, proteins, or carbohydrates. The present application describes many representative examples of SPCs comprising sugar, protein or carbohydrate monomers, both soluble and insoluble. Thus, Applicants were in possession of the full scope of the claimed invention at the time the application was filed, and the written description requirement has therefore been met. It is respectfully requested that this rejection be withdrawn.

B. Claims 33 and 53-86 stand rejected under the second paragraph of section 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Response:

In view of the amendments herein, this ground for rejection is respectfully traversed. The present claims are limited to SPCs comprising monomers having head groups that are sugars, proteins, or carbohydrates. The present application describes many representative examples of sugar, protein and carbohydrate monomers and of their use in preparing SPCs having diameters less than about 1000 nm. The specification is sufficiently explicit and complete with respect to the claimed invention to enable one skilled in the art to understand the use and the scope of the invention. The scope of the subject matter embraced by the present claims is clear. Thus, it is respectfully requested that this rejection be withdrawn.

IV. Claim Rejections under 35 USC §102

Claims 33, 53, 54, 57-59, 61, 62, 65, 67 and 68 stand rejected under section 102(e) as anticipated by Dordick et al (U.S. 5,914,367); and claims 33, 53, 54, 57-59, 61-65, 67 and 68 stand rejected under section 102(e) as anticipated by Singh (U.S. 5,663,387).

Response:

While Applicants disagree with and traverse these rejections, in view of the cancellation of claims 33, 53, 54, 57-59, 61-65, 67 and 68, it is believed that these rejections are now moot and it is respectfully requested that they be withdrawn. The rejections will be addressed at the time they are raised, if raised, in a continuing application containing these claims.

V. Claim Rejections under 35 USC §102/103

Claims 33, 53-59, 61-70 and 72-86 stand rejected under section 102(b) as anticipated by or, in the alternative, under section 103(a) as obvious over Arnold et al (U.S. 5,310,648).

Response:

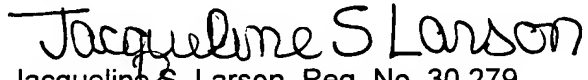
While Applicants disagree with and traverse these rejections, in view of the cancellation of claims 33, 53-59, 61-70 and 72-86, it is believed that these rejections are now moot and it is respectfully requested that they be withdrawn. The rejections will be addressed at the time they are raised, if raised, in a continuing application containing these claims.

VI. Conclusion

The present paper is a complete response to the Official Action mailed April 20, 2004.

Should this response be considered inadequate or non-responsive for any reason, or should the Examiner have any questions, comments or suggestions that would expedite the prosecution of the present case to allowance, Applicants' below-listed representative earnestly requests a telephone conference.

Respectfully submitted,


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